


### **REMARKS**

In the Office Action all pending claims are rejected as anticipated by two newly cited references, i.e., O'Callaghan et al. (WO 93/04593) and Gerhardt et al. (US 2005/0238694).

The amendment to claim 1 is supported at page 11 of the specification. Claim 1 recites administering whey protein hydrolysates to a subject suffering from Type 2 diabetes or from glucose intolerance. The Office points to no disclosure by O'Callaghan et al. of providing the whey protein hydrolysates taught therein to this specific group of subjects. Therefore, the Section 102 rejection should be withdrawn

As to Gerhardt et al., even if the present application were not entitled to its priority date and Gerhardt were considered prior art, again the Office points to no teaching that the product would be administered to the defined subjects. Therefore, the Section 102 rejection should be withdrawn.

Respectfully submitted,



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